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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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10 **ANGIOSCORE, INC.,**

11 **Plaintiff,**

12 **vs.**

13 **TRI REME MEDICAL, INC., et al.,**

14 **Defendants.**

Case No.: 12-CV-3393 YGR

**ORDER GRANTING DISCOVERY RELIEF;
GRANTING UNOPPOSED MOTION TO VACATE
ORDER; CONTINUING MOTION HEARINGS**

15 This Order addresses three matters now pending in this case. The first is a joint discovery
16 letter brief filed by the parties on January 2, 2014. (Dkt. No. 149 ("Letter Brief").) Plaintiff's
17 requested search string is broad but not inappropriate, and Defendants' claims of burden lack
18 specificity. Accordingly, the Court **GRANTS** Plaintiff its requested relief and **ORDERS** the production
19 identified in the Letter Brief, that is, documents identified using the search string "choc* NOT candy
20 AND (design OR manufacture OR fda OR sell OR sale OR use OR moa OR mechanism OR scor*
21 OR cut*)." Defendants shall track in an itemized fashion the costs incurred as a result of this
22 production. Within **three** business days of the signature date of this Order, Defendants shall provide
23 Plaintiff with an estimate of the costs Defendants currently anticipate the request will incur.
24 Thereafter, every **fifteen** business days, Defendants shall provide Plaintiff with a reasonably itemized
25 update of the costs actually incurred. The Court may consider, in the future, whether cost shifting is
26 appropriate.

27 The second matter before the Court is Plaintiff's motion to vacate the portion of this Court's
28 Order of November 13, 2013 that authorized Defendants to take the deposition of a paralegal


1 employed by Plaintiff's counsel, Yancy Meneses. (Dkt. Nos. 121 ("November 13 Order"), 135
2 ("Motion to Vacate").) Defendants have filed a statement of non-opposition. The Motion to Vacate
3 being unopposed, and good cause appearing, is **GRANTED**. The Court's November 13 Order is hereby
4 **VACATED** to the extent that it authorized Defendants to depose Ms. Meneses.

5 Finally, the Court turns to the scheduling of hearings on Defendants' motion for summary
6 judgment and Plaintiff's *Daubert* motion, filed concurrently with its opposition to the summary
7 judgment motion. (Dkt. Nos. 131 ("Summary Judgment Motion"), 139 ("*Daubert* Motion").) The
8 former is set for hearing on January 14, 2014, the latter for January 28, 2014. The Court hereby
9 **CONTINUES** both motion hearings to its 2:00 p.m. calendar on **Tuesday, February 11, 2014**, in
10 Courtroom 5 of the United States Courthouse, on 1301 Clay Street, in Oakland, California. All
11 briefing deadlines remain unchanged.

12 This Order terminates Docket Nos. 135 and 149.

13 **IT IS SO ORDERED.**

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15 Dated: January 3, 2014

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YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE